

**MODIFIED**  
**INITIAL STATEMENT OF REASONS**

TITLE 13, ARTICLE 5

Requesting Information from the Department

Sections 350.36, 350.38, 350.40, 350.44 and 350.46

Vehicle Code sections 1651 and 1810 and Civil Code section 1798.26 authorizes the department to develop regulations to implement a method that allows the general public to access the department's records electronically while ensuring that adequate identity verification and security measures are maintained to minimize risk and secure the integrity of the department's records.

The department proposes to amend Sections 350.36, 350.38, 350.40, 350.44 and 350.46 to allow the general public (AKA casual requesters) an electronic interface using the department's Internet website as a method for requesting their own information from the department's records and set the fee amount for requesting information electronically. The department also proposes to clarify who qualifies as a family member when submitting a request for information.

**§350.36. Casual Requests for Information.**

Proposed amendment changes to subdivision (a) would specifically identify the locations where the public can request information and delete the reference to "any office of the department" as it is too broad and inaccurate. The department has many types of field offices that cannot access and/or provide this information from the department's records; therefore the proposed amended language is necessary. In addition, the new language would propose to add electronic interface with the department's Internet website as a method for requesting information. Because the new method of requesting information would require the request to be submitted electronically, the requirement that the request be in writing has been deleted as it is no longer valid. The initial prepositional phrase to this subdivision is proposed for deletion as it is unnecessary.

A proposed amendment change to subdivision (b) would delete the reference to the other two methods of submitting an information request. By deleting the reference to the other two methods, the proposed language would broaden the regulation to encompass all three methods of requesting information.

A proposed amendment change to the reference history would amend the proposed language to specify the legislative bill number which is related to the chapter number and year the bill was enacted and are currently identified in the reference history.

**§350.38. Identification of Casual Requesters.**

A proposed amendment change to subdivision (a) would delete the term "evidence of" which is unnecessary for the identification requirement. The proposed deletion of the term "valid" to subdivisions (a)(1) through (3) and (5) would clarify for the general public who can apply for the information as the term "valid" is an undefined term. Valid

can be interpreted as only “currently authorized by the department”; by deleting the word “valid” the public can correctly assume that a person with a suspended license or expired identification card can request and receive information from the department’s records. In addition, the department cannot determine if a foreign state driver’s license or California State Bar membership card is “valid”. These changes clarify for the general public what acceptable identification is required when submitting an information request in person.

Proposed amendment changes to subdivision (b) would add proposed language to include the new electronic interface method of requesting information, delete the term “evidence of” to standardize the language with subdivision (a), and add proposed language to identify whose identification is acceptable. These changes clarify for the general public what acceptable identification is required when submitting a request by mail or through the department’s Internet website.

Proposed amendment changes to subdivisions (b)(1) through (3) and (5) would clarify for the general public who can apply for the information as the term “valid” is an undefined term. A person with a suspended license or expired identification card can still request and receive information from the department’s records. In addition, the department cannot determine if a foreign state driver’s license or California State Bar membership card is “valid”. The proposed amendment change to subdivision (b)(4) is formatted to comply with the other subdivisions. This change would add an additional requirement of an assigned identification number that corresponds to the requester’s name and serves as an extra layer of security to ensure the integrity of the document. This is necessary to clarify for the general public what acceptable identification is required when submitting a request by mail or through the department’s Internet website.

#### **§350.40. Release of Information to Casual Requester.**

A proposed amendment to subdivision (a) would add proposed language to include the new electronic interface method of requesting information from the department’s records, delete a reference that no longer meets the requirements for the release of information and reference the identification requirements authorized in Section 350.38 of these regulations. This is necessary to clarify and identify the methods in which the information from the department’s records will be released and what identification documents or numbers assigned to the documents are required as prompts to meet the department’s security and identity verification requirements which would allow the department to release the information.

Proposed amendments to the current subdivisions (b), (c) (e), (f) and (h) would delete the current language. This is necessary to simplify and clarify language or to eliminate unnecessary language for provisions that are sufficiently clear and currently required in statute. Additionally, the proposed language makes clear that registered domestic partners, as defined in Family Code Section 297, have the same rights as spouses when submitting a request for information.

A proposed amendment to subdivision (b) is the former subdivision (d). The proposed language would include a clarification as to what identification requirements need to be met in order to access specified records. In addition, a minor grammatical change was

made. A proposed subdivision (b)(1) would be added to clarify the new procedures for notifying a person when information was requested and the identity of the person requesting the information.

A proposed amendment change would convert current subdivision (g) to subdivision (c) with a minor grammatical change. The proposed reference history change in section 350.36 and 350.38 would also be added to this section.

#### **§350.44. Cost of Information.**

A proposed amendment change to subdivision (b) would add proposed language to include the new method of releasing information electronically via the Internet to casual requesters that was not available when the initial regulations and process for the release of information was established in 1990 or when the regulations were amended in 2001. The fee amount informs the affected public of the cost to provide the information to the requester.

The realignment of the subdivisions (b)(2) and (b)(3) and the addition of (b)(4) would allow the methods and costs of releasing information to follow the same format as subdivision (a). A minor grammatical change would also be proposed.

#### **§350.46. Payment for Information.**

A proposed amendment change to subdivision (a) would delete the specified methods of payment. This is necessary to allow the department to offer new methods as technology evolves within the department and become the standard methods of payment for the information requested.